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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,560	02/19/2004	Christopher J. Manzini	017.2001	1713
49837	7590	09/05/2006		
S2IPLAW, PLLC 300 MASSACHUSETTS AVENUE, NW SUITE 1101 WASHINGTON, DC 20001-2692			EXAMINER WALTERS, JOHN DANIEL	
			ART UNIT 3618	PAPER NUMBER

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/780,560

Applicant(s)

MANZINI, CHRISTOPHER J.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1 – 65 have been examined.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 9 – 11, 13 – 16, 17, 19, 21, 23 – 30, 32, 34 – 38, 40, 42 – 44, 46 – 51, 53 – 60, 62, 64 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Wappler (4,111,316). Wappler discloses a truck-mounted hoist comprising:

- a support structure (Fig. 1, item 44);
- wherein said support structure comprises an A-frame (Fig. 1);
- one or more extendable support legs (Fig. 1, item 40) having an upper and a lower end and extending in a downward direction from said support structure;
- said lower end having a flange (Fig. 1, bottom of item 40);
- a lift mechanism, i.e. a hydraulic system (Fig. 1, item 48);
- one or more tire wheels (Fig. 1, rearmost set of tires) attached, via multiple components, to said support beam;
- a second set of tire wheels (Fig. 1, second rearmost set of tires) attached, via multiple components, to said support beam;
- a load beam adapted to receive one or more support legs (Fig. 1, item 42);

- one or more fit sleeves (Fig. 1, top of item 42);
- wherein said fit sleeve slidably receives said flange (Fig. 1);
- a locking mechanism comprising a pin and an aperture (Fig. 1, connection between items 40 and 42);
- wherein said stabilizer support system is attached to the rear of a truck (Fig. 1);
- wherein said stabilizer support system is adapted to be detachable from said vehicle (Fig. 1, by removing the pivot between items 40 and 44).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12, 18, 20, 31, 33, 39, 41, 45, 61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wappler (4,111,316). Wappler discloses a truck mounted hoist described above.

In regards to claims 8, 31, 39, and 41, Wappler does not disclose the use of a "channel tool" or a "coordinating channel". It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide a slot and "lift bar" mechanism, i.e. channel tool and channel, for manual raising of said system in order to increase, by leverage, the force an operator can apply.

In regards to claims 12, 18, 20, 33, 45, 61 and 63, Wappler does not disclose the attachment of said support structure to a rail car nor a vehicle with an endless track system. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to make use of the support structure of Wappler with any vehicle which would make use of lifts or hoists, including a railcar or heavy construction machinery.

Claims 22 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wappler (4,111,316) as applied to claims 1 – 21 23 – 51 and 53 – 65 above, and further in view of Masse (5,103,740). Wappler does not disclose a differently sized sets of wheels. Masse, however, discloses a vehicle for road and rail operation comprising:

- differently sized sets of wheels (Fig. 1, items 20, 26 and 28).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the differently sized wheels of Masse with the truck mounted hoist of Wappler in order to provide wheel sets which are capable of moving over both rail system and normal ground without needing to be changed or moved.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 65 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hinwood (D413,290) discloses a rail-engaging wheel conversion unit;
- Fritel et al. (4,461,490) disclose a structural support for an outrigger;
- Chambers (2,965,046) discloses transportation equipment;
- Ackley (6,089,603) discloses a vehicle stabilization system;
- Johnson (3,716,252) discloses a dual position hydraulic outrigger assembly;
- Pinkston (5,387,071) discloses a rotatable recovery vehicle;
- Brueske (4,421,242) discloses a panel locator.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

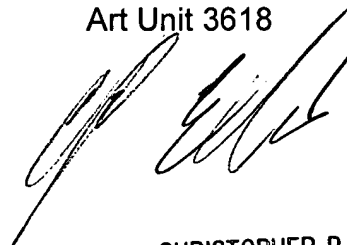
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDW  


John D. Walters  
Examiner  
Art Unit 3618

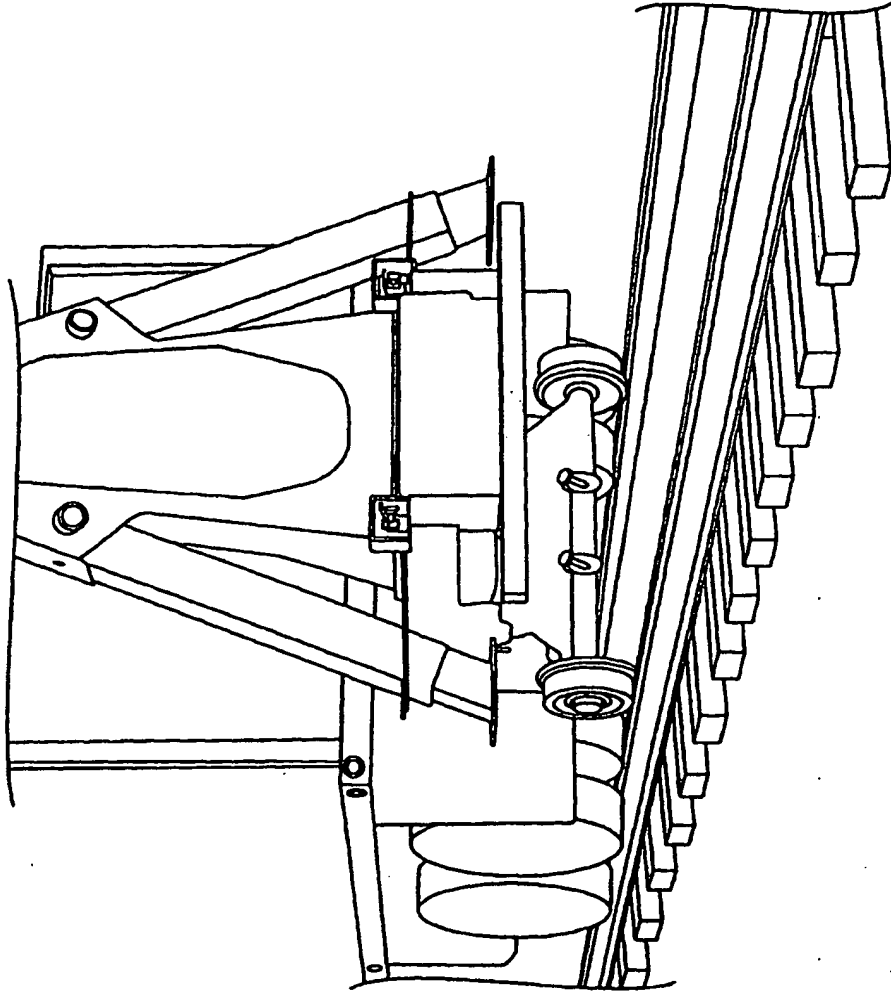


CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



U.S. Application Serial No. 10/780,560  
Replacement Sheet  
Sheet 1 of 14

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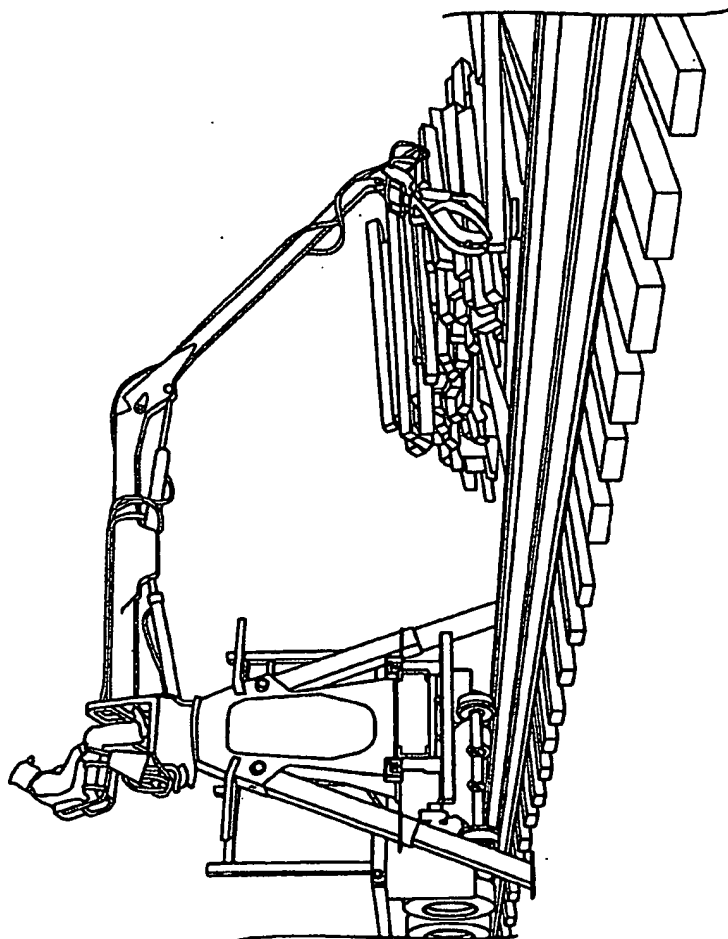


PRIOR ART FIG. 1



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PRIOR ART FIG. 2

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Sheet 6 of 14

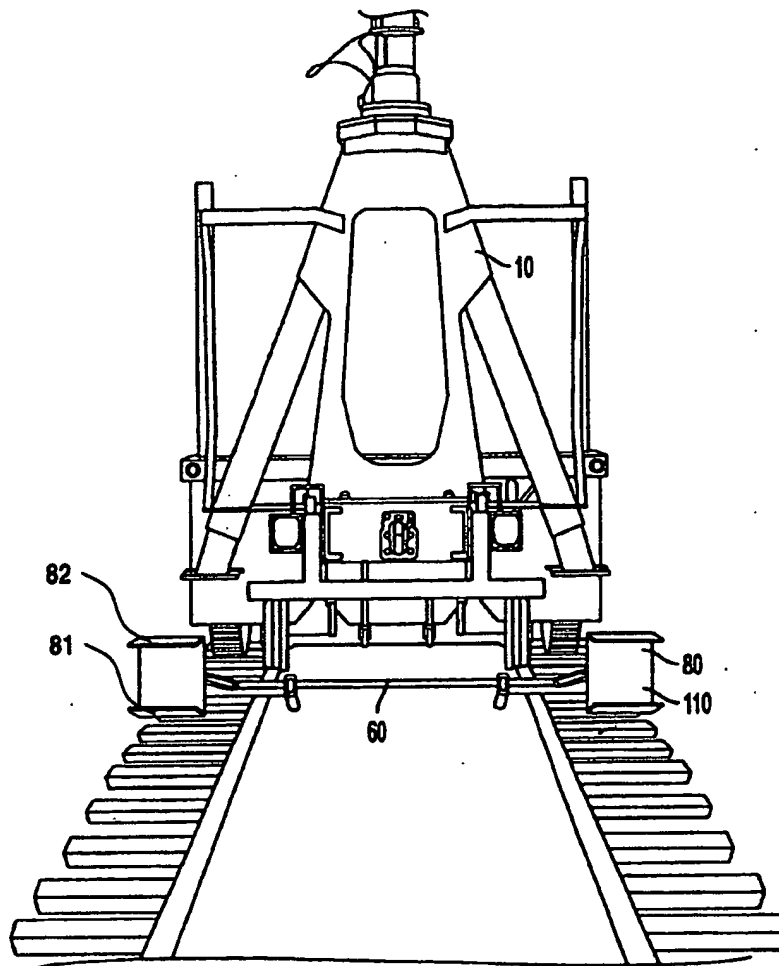


FIG. 6

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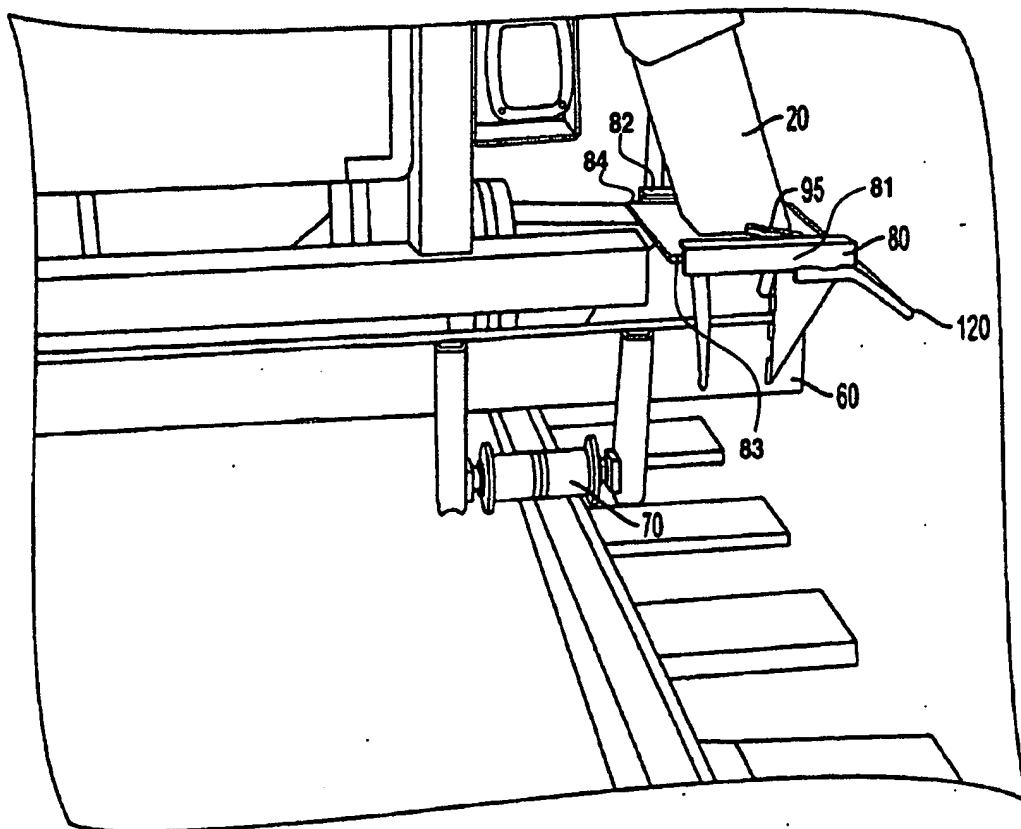


FIG. 10